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## FAX COVER LETTER

September 23, 2004

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**FROM:** Brea K. Taken  
**DIRECT DIAL:** (612) 607-7260  
**EMAIL:** BTaken@oppenheimer.com  
**RE:** U.S. Patent Application No. 10/668,750  
Title: DEVICE FOR ASSESSING PERFUSION FAILURE IN A PATIENT BY  
MEASUREMENT OF BLOOD FLOW  
Filed: September 23, 2003  
Art Unit: 3736  
Attorney Docket No. 11242-320

**COMMENTS:** I hereby certify that a Preliminary Amendment is being facsimile transmitted to the U.S. Patent and Trademark Office on September 23, 2004.

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PTO/SB/21 (03-03)

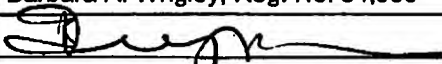
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/668,750
		Filing date	September 23, 2003
		First Named Inventor	Victor E. Kimball
		Art Unit	3736
		Examiner Name	
Total Number of Pages In This Submission	10	Attorney Docket Number	11242-320

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of the PTO Form 1533 (Rev. 9/97), Notice to File Missing Parts of Application Filing Date Granted <input type="checkbox"/> Executed Declaration and Power of Attorney Document	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal C (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) please identify below:
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
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Date	September 23, 2004

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Typed or printed	Brea K. Taken
Signature	 Date: September 23, 2004

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SEP 23 2004

U.S. Patent Appln No. 10/668,750

Attorney Docket No. 11242-320

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kimball et al.

Serial No.: 10/668,750

Filing Date: September 23, 2003

Title: DEVICE FOR ASSESSING PERFUSION  
FAILURE IN A PATIENT BY  
MEASUREMENT OF BLOOD FLOW

Group Art Unit: 3736

Examiner: Unassigned

Docket No.: 11242-320

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PRELIMINARY AMENDMENT

Please enter the following amendments and remarks prior to examination of the subject application.

AMENDMENTS TO THE CLAIMS

Kindly cancel claims 39-46 and add new claims 47-60 as indicated in the attached Appendix A commencing on page 4.